

## HISTORICAL AND REVISION NOTES

| <i>Revised section</i> | <i>Source (U.S. Code)</i>  | <i>Source (Statutes at Large)</i> |
|------------------------|----------------------------|-----------------------------------|
| 411(a) .....           | 37:253(h).                 | Oct. 12, 1949, ch. 681,           |
| 411(b) .....           | 37:253(f).                 | § 303(c) (10th sentence),         |
| 411(c) .....           | 37:253(g).                 | (f), (g), (h), 63 Stat. 814.      |
| 411(d) .....           | 37:253(c) (10th sentence). |                                   |

In subsection (a), section 253(h) (provisos) of existing title 37 is omitted, since the regulations to which reference is made have been issued. The exceptions to sections 404(c) and 406(g) are inserted, since the source text for those subsections require regulations prescribed thereunder to be uniform.

In subsections (c) and (d), the words “for the purposes of the sections of this title designated by subsection (a) of this section” are inserted to clarify the coverage of the source statute.

## AMENDMENTS

1991—Subsecs. (b) to (d). Pub. L. 102-25 struck out “of this section” after “subsection (a)”.

1981—Subsec. (a). Pub. L. 97-60 inserted reference to section 404a.

1980—Subsec. (b)(1). Pub. L. 96-343, §5(b)(1), substituted “common carrier transportation” for “first-class transportation, including sleeping accommodations,”.

Subsec. (b)(2). Pub. L. 96-343, §5(b)(2), inserted “and designating areas as high cost areas” after “rates”.

Subsec. (b)(3). Pub. L. 96-343, §5(b)(3), substituted “transportation” for “first-class transportation, including sleeping accommodations” and “allowances” for “rates”.

Subsec. (d). Pub. L. 96-513 substituted “term” for “words”.

1965—Subsec. (a). Pub. L. 89-26 inserted reference to section 405a.

## EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97-60 effective Apr. 1, 1982, see section 122(c) of Pub. L. 97-60, set out as an Effective Date note under section 404a of this title.

## EFFECTIVE DATE OF 1980 AMENDMENTS

Amendment by Pub. L. 96-513 effective Dec. 12, 1980, see section 701(b)(3) of Pub. L. 96-513, set out as a note under section 101 of Title 10, Armed Forces.

Amendment by Pub. L. 96-343 effective with respect to travel and transportation performed after Aug. 31, 1980, see section 5(c) of Pub. L. 96-343, set out as a note under section 404 of this title.

## EFFECTIVE DATE OF 1965 AMENDMENT

Amendment by Pub. L. 89-26 effective Feb. 1, 1965, see section 2 of Pub. L. 89-26, as amended, set out as an Effective Date note under section 405a of this title.

**§ 411a. Travel and transportation allowances:  
travel performed in connection with convalescent leave**

(a) Under uniform regulations prescribed by the Secretaries concerned, a member of a uniformed service is entitled to travel and transportation allowances for travel from his place of medical treatment in the continental United States to a place selected by him and approved by the Secretary concerned, and return, when the Secretary concerned determines that the member is traveling in connection with authorized leave for convalescence from illness or injury incurred while the member was eligible for the receipt of hostile fire pay under section 310 of this title.

(b) The allowances prescribed under this section may not be at rates more than the rates au-

thorized under section 404(d)(1) of this title. Authorized travel under this section is performed in a duty status.

(Added Pub. L. 90-207, §9(1), Dec. 16, 1967, 81 Stat. 655.)

## EFFECTIVE DATE

Section effective Oct. 1, 1967, see section 7 of Pub. L. 90-207, set out as an Effective Date of 1967 Amendment note under section 203 of this title.

**§ 411b. Travel and transportation allowances:  
travel performed in connection with leave  
between consecutive overseas tours**

(a) ALLOWANCES AUTHORIZED.—Under uniform regulations prescribed by the Secretaries concerned, a member of a uniformed service stationed outside the continental United States who is ordered to a consecutive tour of duty at the same duty station or who is ordered to make a change of permanent station to another duty station outside the continental United States may be paid travel and transportation allowances in connection with authorized leave from his last duty station to a place approved by the Secretary concerned and from that place to his designated post of duty. Such allowances may be paid for the member and for the dependents of the member who are authorized to, and do, accompany him at his duty stations.

(b) AUTHORITY TO DEFER TRAVEL; LIMITATIONS.—(1) Under the regulations referred to in subsection (a), a member may defer the travel for which the member is paid travel and transportation allowances under this section until any time before the completion of the consecutive tour at the same duty station or the completion of the tour of duty at the new duty station under the order involved, as the case may be.

(2) If a member is unable to undertake the travel before expiration of the deferral period under paragraph (1) because of duty in connection with a contingency operation, the member may defer the travel until not more than one year after the date on which the member's duty in connection with the contingency operation ends.

(c) LIMITATION ON ALLOWANCE RATE.—The allowances prescribed under this section may not exceed the rate authorized under section 404(d) of this title. Authorized travel under this section is performed in a duty status.

(Added Pub. L. 93-213, §1(1), Dec. 28, 1973, 87 Stat. 910; amended Pub. L. 97-60, title I, §125, Oct. 14, 1981, 95 Stat. 1003; Pub. L. 99-145, title VI, §615(a), Nov. 8, 1985, 99 Stat. 641; Pub. L. 100-26, §8(d)(8), Apr. 21, 1987, 101 Stat. 286; Pub. L. 100-180, div. A, title VI, §614(d)(1), (2), Dec. 4, 1987, 101 Stat. 1095; Pub. L. 102-190, div. A, title VI, §624, Dec. 5, 1991, 105 Stat. 1379; Pub. L. 104-201, div. A, title VI, §623(a), Sept. 23, 1996, 110 Stat. 2548; Pub. L. 107-107, div. A, title VI, §637, Dec. 28, 2001, 115 Stat. 1146; Pub. L. 107-314, div. A, title VI, §§621(a), (b), 654(b)(4), Dec. 2, 2002, 116 Stat. 2570, 2571, 2582.)

## AMENDMENTS

2002—Subsec. (a). Pub. L. 107-314, §§621(b)(1), 654(b)(4), inserted heading, struck out par. (1) designation before

“under uniform”, substituted “the continental United States” for “the 48 contiguous States and the District of Columbia” in two places, and struck out par. (2) which read as follows: “Under the regulations referred to in paragraph (1), a member may defer the travel for which the member is paid travel and transportation allowances under such paragraph until not more than one year after the date on which the member begins the consecutive tour of duty at the same duty station or reports to another duty station under the order involved, as the case may be. If the member is unable to undertake the travel before the end of such one-year period as a result of duty in connection with a contingency operation, the member may defer the travel for one additional year beginning on the date the duty of the member in connection with the contingency operation ends.”

Subsecs. (b), (c). Pub. L. 107-314, § 621(a), (b)(2), added subsec. (b), redesignated former subsec. (b) as (c), and inserted heading.

2001—Subsec. (a)(1). Pub. L. 107-107 struck out “, or his designee, or to a place no farther distant than his home of record” after “place approved by the Secretary concerned”.

1996—Subsec. (a)(2). Pub. L. 104-201 inserted at end “If the member is unable to undertake the travel before the end of such one-year period as a result of duty in connection with a contingency operation, the member may defer the travel for one additional year beginning on the date the duty of the member in connection with the contingency operation ends.”

1991—Subsec. (a)(2). Pub. L. 102-190 amended par. (2) generally. Prior to amendment, par. (2) read as follows: “If, because of military necessity, a member authorized travel and transportation allowances under this subsection is denied leave between the two tours of duty outside the 48 contiguous States and the District of Columbia, the member shall be authorized to use such travel and transportation allowances from his current duty station at the time the member is first granted leave—

“(A) which is to be taken away from the member’s permanent duty station; and

“(B) for which a travel and transportation allowance is not otherwise authorized.”

1987—Pub. L. 100-180, § 614(d)(2), amended section catchline generally, substituting “leave between consecutive overseas tours” for “certain leave”.

Subsec. (a). Pub. L. 100-26 substituted “48” for “forty-eight” wherever appearing.

Subsec. (a)(2). Pub. L. 100-180, § 614(d)(1), substituted “the time the member is first granted leave—” for “the first time the member is granted leave.” and added subpars. (A) and (B).

1985—Subsec. (a)(1). Pub. L. 99-145 struck out “if he is a member without dependents,” after “home of record”, struck out “, if either his last duty station or his designated post of duty is a restricted area in which dependents are not authorized” after “post of duty” in first sentence, and inserted “such allowances may be paid for the member and for the dependents of the member who are authorized to, and do, accompany him at his duty stations.”

1981—Subsec. (a). Pub. L. 97-60 designated existing provisions as par. (1), inserted “who is ordered to a consecutive tour of duty at the same duty station or” after “District of Columbia”, and added par. (2).

#### EFFECTIVE DATE OF 2002 AMENDMENT

Pub. L. 107-314, div. A, title VI, § 621(c), Dec. 2, 2002, 116 Stat. 2571, provided that: “Subsection (b) of section 411b of title 37, United States Code, as added by subsection (a), shall apply with respect to members of the uniformed services in a deferred leave travel status under such section as of the date of the enactment of this Act [Dec. 2, 2002] or becomes entitled [sic] to travel and transportation allowances under such section on or after that date.”

#### EFFECTIVE DATE OF 1996 AMENDMENT

Section 623(b) of Pub. L. 104-201 provided that: “The amendment made by subsection (a) [amending this section] shall take effect as of November 1, 1995.”

#### EFFECTIVE DATE OF 1985 AMENDMENT

Section 615(b) of Pub. L. 99-145 provided that: “The amendments made by subsection (a) [amending this section] shall apply with respect to orders to change a permanent station that are effective after September 30, 1985.”

### **§ 411c. Travel and transportation allowances: travel performed in connection with rest and recuperative leave from certain stations in foreign countries**

(a) Under uniform regulations prescribed by the Secretaries concerned, a member of a uniformed service who is serving at a duty station outside the United States in an area specifically designated for the purposes of this section by the Secretary concerned may be paid for or provided transportation for himself and his dependents authorized to reside at his duty station—

- (1) to another location outside the United States having different social, climatic, or environmental conditions than those at the duty station at which the member is serving; or
- (2) to a location in the United States.

(b) When the transportation authorized by subsection (a) is provided by the Secretary concerned, the Secretary may use Government or commercial carriers. The Secretary concerned may limit the amount of payments made to members under subsection (a).

(Added Pub. L. 97-60, title I, § 126(a), Oct. 14, 1981, 95 Stat. 1003; amended Pub. L. 100-26, § 8(d)(9), Apr. 21, 1987, 101 Stat. 286; Pub. L. 105-261, div. A, title VI, § 633(a), (b)(1), Oct. 17, 1998, 112 Stat. 2044.)

#### AMENDMENTS

1998—Pub. L. 105-261, § 633(b)(1), substituted “rest and recuperative leave from certain stations” for “leave from certain stations” in section catchline.

Subsec. (b). Pub. L. 105-261, § 633(a), added subsec. (b) and struck out former subsec. (b) which read as follows: “The transportation authorized by this section is limited to transportation of the member, and of each dependent of the member, for one round-trip during any tour of at least 24, but less than 36, consecutive months or two round-trips during any tour of at least 36 consecutive months.”

1987—Subsec. (b). Pub. L. 100-26 substituted “round-trip” for “roundtrip” and “round-trips” for “roundtrips”.

### **§ 411d. Travel and transportation allowances: transportation incident to personal emergencies for certain members and dependents**

(a) Under uniform regulations prescribed by the Secretaries concerned, transportation in accordance with subsection (b) may be provided for a member of a uniformed service and for dependents of that member authorized to reside at the member’s duty station (or authorized to reside at another location and receive a station allowance) incident to emergency leave granted for reasons of a personal emergency (or in the case of transportation provided only for a de-